

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

02/16/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CRIMINAL 05-00206JMS-01  
CASE NAME: United States of America vs. Audwin Aiwohi  
ATTYS FOR PLA: Chris A. Thomas  
ATTYS FOR DEFT: Reginald P. Minn  
U.S.P.O: Malia Eversole

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JUDGE:	J. Michael Seabright	REPORTER:	Debra Chun
DATE:	02/16/2007	TIME:	10:05 - 10:50

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COURT ACTION: Sentencing to Count 1 of the Indictment:

Defendant present in custody with counsel Reginald Minn.

Government's Motion for Downward Departure GRANTED.

Allocution by the defendant.

Imprisonment 120 months as to Count 1 of the Indictment in Criminal 05-00206JMS-01, to run concurrently with Count 1 of the Information in Criminal 06-00094JMS-01.

Supervised Release 5 years as to Count 1 of the Indictment in Criminal 05-00206JMS-01, to run concurrently with Count 1 of the Information in Criminal 06-00094JMS-01.

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)

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4. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
5. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
6. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
10. If the defendant maintains interest in any business or enterprise he shall, upon request, surrender and/or make available for review, any and all documents and records to the Probation Office.

No fine imposed.

Special Monetary Assessment \$100.

Advised of rights to appeal.

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RECOMMENDATION: 1) Terminal Island. 2) Lompoc.

That the defendant participate in educational training and drug treatment program.

Governments oral motion to dismiss Counts 3, 5, 6, 7 of the Indictment GRANTED.

MITTIMUS: Forthwith.

Submitted by: Dottie Miwa, Courtroom Manager